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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/005,771
Filing Date: November 08, 2001
Appellant(s): GRITZMACHER ET AL.

Christopher P. Harris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/5/08 appealing from the Office action mailed 3/20/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2002/0176547 A1	Jones	11-2002
US 2001/0055291 A1	Schweitzer	12-2001

EP 1 775 929 A2 Buhler 2-2007

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5-6, 8-9, 11-16, 19-27 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, US Pub. No. 2002/0176547.

Re Claims 1 and 36: Jones discloses a method/program storage device readable by machine (Jones, Fig. 1, [0032]), tangibly embodying a program of instructions executable by the machine to perform:

determining when a network interface is activated at a client system the network interface being activated when a communication link between the network and the client system is established (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru

[0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system) obtaining at least one of a video file, a data file and an audio file across said communication link while said network interface is activated (Jones, abstract, [0005]; [0008] thru [0012]; [0017]; [0029]; [0033] [0042] [0048]);

determining when said network interface is deactivated at the client system, the network interface being deactivated when the communication link between the network and the client system is disconnected, wherein the determining when a network interface is activated and the determining when said network interface is deactivated is performed by the client system (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

storing, at the client system, information relating to a time-based bill based on when the network interface is activated and when the network interface is deactivated (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]);

transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059]client system/client = communication device (e.g., telephone, computer etc.) and packet billing system; billing module on a billing system = packet switched telephone network (PSTN) billing system).

Jones fails to explicitly disclose wherein the components of the client system were integrated (i.e., communication device and packet billing system).

Makings Integral

It has been held that merely making something integral only requires routine skill in the art. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones to provide wherein all components of the client system were integrated (i.e., communication device and packet billing system).

One would have been motivated to by increased efficiency and cost reductions associated with integrating the components.

Re Claim 5: Jones discloses the claimed invention supra and further discloses launching an application based on a menu selection (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 6: Jones discloses the claimed invention supra and further discloses transmitting a connect packet from a client to a router device, said connect packet being based on said selected application (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 8: Jones discloses the claimed invention supra and further discloses transmitting a status packet from said router device to said client via said communication link (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 9: Jones discloses the claimed invention supra and further discloses

updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 11: Jones discloses the claimed invention supra and further discloses wherein said call detail record comprising information relating to at least one of a time, an Internet protocol address and a status (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059])

Re Claim 12: Jones discloses the claimed invention supra and further discloses transmitting a disconnect packet from a client to a router device via said communication link (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 13: Jones discloses the claimed invention supra and further discloses transmitting a status packet from said router device to said client via said communication link (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 14: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 15: Jones discloses the claimed invention supra and further discloses displaying call detail record information based on information relating to said time-based

bill (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]).

Re Claim 16: Jones discloses a method (Jones, Fig. 1, [0032]) comprising:

connecting a client with a content provider of at least one of a video file, a data file and an audio file; (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

obtaining said at least one of a video file, a data file and an audio file from said content provider (Jones, abstract, [0005]; [0008] thru [0012]; [0017]; [0029]; [0033] [0042] [0048]);

disconnecting said client from said content provider (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

determining an amount of time said client is connected to said content provider (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system), wherein the determining an amount of time comprises:

determining when a network interface to said content provider is activated (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

and determining when said network interface to said content provider is deactivated, wherein the determining when a network is activated and the determining when said network interface is deactivated is performed by the client system (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059] client system/client = communication device (e.g., telephone, computer etc.) and packet billing system);

storing, at the client system, information relating to a time-based bill based on when the network interface is activated and when the network interface is deactivated (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]); and

transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059]client system/client = communication device (e.g., telephone, computer etc.) and packet billing system; billing module on a billing system = packet switched telephone network (PSTN) billing system).

Jones fails to explicitly disclose wherein the components of the client system were integrated (i.e., communication device and packet billing system).

Makings Integral

Making something integral only requires routine skill in the art See *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones to provide wherein all components of the client system were integrated (i.e., communication device and packet billing system).

One would have been motivated to by increased efficiency and cost reductions associated with integrating the components.

Re Claim 19: Jones discloses the claimed invention supra and further discloses wherein connecting said client with said content provider comprises transmitting a connect packet from said client to a router device (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 20: Jones discloses the claimed invention supra and further discloses transmitting a status packet from said router device to said client (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 21: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table(Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 22: Jones discloses the claimed invention supra and further discloses wherein the stored information comprises a call detail record (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059]).

Re Claim 23: Jones discloses the claimed invention supra and further discloses wherein said call detail record comprising information relating to at least one of a time, an Internet protocol address and a status (Jones, abstract, [0007] [0014] thru [0017] [0037] [0038] [0050] [0051] [0054] [0058] [0059]).

Re Claim 24: Jones discloses the claimed invention supra and further discloses wherein disconnecting said client from said content provider comprises transmitting a disconnect packet from said client to a router device (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 25: Jones discloses the claimed invention supra and further discloses wherein disconnecting said client further comprises transmitting a status packet from said router device to said client (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 26: Jones discloses the claimed invention supra and further discloses updating a status of said router device in a state table (Jones, abstract, [0012] thru [0014]; [0016] [0017]; [0035] thru [0037]; [0047]; [0049] [0050] [0052] thru [0054]; [0056] thru [0059]).

Re Claim 27: Jones discloses the claimed invention supra and further discloses displaying call detail record information (Jones, abstract, [0007] [0012] [0014] thru [0017]; [0029] [0035] [0037]).

Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claims 1 and 16 above, and further in view of Schweitzer, US Pub. No. 2001/0055291.

Re Claim 3: Jones discloses the claimed invention supra but fails to explicitly discloses wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said communication link, and decrypting said

encrypted information. Schweitzer discloses wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said communication link, and decrypting said encrypted information (Schweitzer, Fig. 1B, [0008] [0009]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones by adopting the teachings of Schweitzer to provide wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said communication link, and decrypting said encrypted information.

As suggested by Schweitzer there may be confidential information that must be secured as reliably as possible.

Re Claim 18: Jones discloses the claimed invention supra but fails to explicitly disclose wherein obtaining said at least one of a video file, a data file and an audio file comprises

encrypting said at least one of a video file, a data file and an audio file, transmitting said encrypted at least one of a video file, a data file and an audio file from said content provider across a network and decrypting said encrypted at least one of a video file, a data file and an audio file. Schweitzer discloses wherein obtaining said at least one of a video file, a data file and an audio file comprises encrypting said at least one of a video file, a data file and an audio file, transmitting said encrypted at least one of a video file, a data file and an audio file from said content provider across a network and decrypting said encrypted at least one of a video file, a data file and an audio file (Schweitzer, Fig. 1B, [0008] [0009]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones by adopting the teachings of Schweitzer to provide wherein obtaining said at least one of a video file, a data file and an audio file comprises encrypting said at least one of a video file, a data file and an

audio file, transmitting said encrypted at least one of a video file, a data file and an audio file from said content provider across a network and decrypting said encrypted at least one of a video file, a data file and an audio file.

As suggested by Schweitzer there may be confidential information that must be secured as reliably as possible.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Schweitzer as applied to claim 3 above, and further in view of Buhler, EP 1 775 929 A2.

Re Claim 4: Jones in view of Schweitzer discloses the claimed invention supra but fails to explicitly disclose wherein said information relates to a video file. Buhler discloses wherein said information relates to a video file (Buhler, [0014]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the teachings of Jones by adopting the teachings of Buhler to provide wherein said information relates to a video file.

As suggested by Buhler, the system is suitable for various forms of content/information transmission (e.g., voice, video, audio) and which is chosen is a matter of design choice.

Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 16 above, and further in view of Buhler, EP 1 775 929 A2.

Re Claim 28: Jones discloses the claimed invention supra but fails to explicitly disclose wherein said desired content relates to a video file. Buhler discloses wherein said desired content relates to a video file (Buhler, [0014]).

Also,

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the invention is within the field of billing systems and methods. The problem to be solved is billing for content/information that is transmitted over a network. The type of content/information whether voice, video, audio etc. is not critical to the problem to be solved. Thus, the prior art cited is analogous art.

It would have been obvious to one of ordinary skill in the art at the time the invention to modify the teachings of Jones by adopting the teachings of Buhler to provide wherein said desired content relates to a video file.

As suggested by Buhler, the system is suitable for various forms of content/information transmission (e.g., voice, video, audio) and which is chosen is a matter of design choice.

(10) Response to Argument

Re Claim 1, 5-6, 8-9, 11-16, 19-27 and 36, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

> Helpful insights, however, need not become rigid and mandatory formulas; and when it is so applied, the TSM test is incompatible with our precedents. The obviousness analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation, or by overemphasis on the importance of published articles and the explicit content of issued patents. The diversity of inventive pursuits and of modern technology counsels against limiting the analysis in this way. In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends. Granting patent protection to advances that would occur in the ordinary course without real innovation retards progress and may, in the case of patents combining previously known elements deprive prior inventions of their value or utility. *KSR v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d at 1396 (2007).

Jones teaches within a communications system 100, there exists among other things a Packet Communications System 101 and a Public Switched Telephone Network Billing System 194. The Packet Communications System 101 comprises: a communication device 112 and Packet Billing System 104. (See, Jones Fig. 1 and [0032]) (Note: The communications device 112 and the Packet Billing System 104 when made integral are interpreted as the client system of the claimed invention. Note:

The Public Switched Telephone Network Billing System 194 is interpreted as the billing module on a billing system of the claimed invention).

Jones discloses a base device

For the following discussion claim 1 will used as a representative claim:

(a) Jones states, for example:

> Packet billing system 104 detects a call set up message in first signaling transmitted between signaling processor 102 and communications device 112. Packet billing system 104 generates a start record responsive to detecting the call setup message. (Jones, [0035])

This is interpreted as being equivalent to the first limitation of the claim 1 which states:

> determining when a network interface is activated at a client system the network interface being activated when a communication link between the network and the client system is established;

(b) Jones states, for example:

> With the call set up, the first communication device receives user communications for the call. The first communication device encodes the user communications into packets. The first communication device exchanges packets with the second communications device over the packet network. (Jones, [0017])

This is interpreted as being equivalent to the second limitation of the claim 1 which states:

> obtaining at least one of a video file, a data file and an audio file across said communication link while said network interface is activated;

(c) Jones states, for example:

> Packet billing system 104 detects a call complete message in second signaling transmitted between signaling processor 102 and communications device 112. (Jones, [0035])

This is interpreted as being equivalent to the third limitation of the claim 1 which states:

> determining when said network interface is deactivated at the client system, the network interface being deactivated when the communication link between the network and the client system is disconnected, wherein the determining when a network interface is activated and the determining when said network interface is deactivated is performed by the client system;

d) Jones states, for example:

> In some examples, packet billing system 104 generates a call detail record for the call transmitted over packet system 106 based on the start record and the end record. (Jones, [0037])

Note: The records in Jones have to be stored at least temporarily because although a start record is obtained at the time of activation, the end record occurs later at the time of deactivation. The call detail record cannot be generated until all these records (i.e., start/end) are stored.

This is interpreted as being equivalent to the fourth limitation of the claim 1 which states:

> storing, at the client system, information relating to a time-based bill based on when the network interface is activated and when the network interface is deactivated;

e) Jones states, for example:

> Packet billing system 104 transfers the call detail record to public switched telephone network billing system 194. Public switched telephone network billing system 194 receives the call detail record and processes the call detail record to generate a bill. (Jones, [0037])

This is interpreted as being equivalent to the fifth limitation of the claim 1 which states:

> transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill.

Known Technique

As noted supra, the communications device 112 and the Packet Billing System 104 had not been made integral in Jones but, the communications device 112 and the Packet Billing System 104 when made integral are the functional equivalent of the client system as claimed. Making something integral has been recognized a technique known to those of ordinary skill in the art that may render an invention obvious.

> It has been held that merely making something integral only requires routine skill in the art. *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) .

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Jones to provide wherein all components of the client system were integrated (i.e., communication device and packet billing system). One would have been motivated by increased efficiency and cost reductions associated with integrating the components.

Claims 1, 5-6, 8-9, 11-16, 19-27 and 36 apply a known technique to known device ready for improvement to yield predictable results. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Re 1, 5-6, 8-9, 11-16, 19-27 and 36: Furthermore, it is uncertain whether the features of the communication device 112 and the packet billing system 104 have to be made integral in Jones in order to arrive at the "client system" of the invention as claimed. In Jones the communication device 112 and the packet billing system 104 are

both a part of the Packet communication system 101 which could arguably be interpreted as the "client system" (See Fig. 1, [0032]). Nothing about the invention as claimed would limit the interpretation of what is the "client system" in Jones to the communication device 112 or the packet billing system 104 as applicant would suggest.

> The fact that the specification describes only a single embodiment, standing alone, is insufficient to limit otherwise broad claim language. See Phillips, 415 F.3d 1323; Liebel-Flarsheim Co. v. Medrad, Inc., 358 F.3d 898,906 (Fed. Cir. 2004); Teleflex, Inc. v. Ficosa N. Am.Corp., 299 F.3d 1313, 1327-28 (Fed. Cir. 2003).

In regards, to applicant's arguments regarding dependent claims 15 and 27. It is further noted that "displaying call detail record information based on information relating to said time-based bill" is also predictable in light of the teachings of Jones above. In other words, the purpose of Jones is to bill for usage and the call detail records are used to aid in this objective. It is predictable that a display of the call detail records would be made available (i.e., particularly to the users that are the cause of the bill being generated and from whom payment is expected).

Re Claims 3 and 18, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones above, and further in view of Schweitzer. Obvious for the reasons noted above for Jones.

Re Claim 4, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Schweitzer above, and further in view of Buhler. Obvious for the reasons noted above for Jones.

Re Claim 28, rejected under 35 U.S.C. 103(a) as being unpatentable over Jones above, and further in view of Buhler. Obvious for the reasons noted above for Jones.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SMC

Conferees:

/J. A. K./
Supervisory Patent Examiner, Art Unit 3693
James Kramer

Vincent Millin /VM/
Appeals Practice Specialist, TC 3600